

REMARKS

In response to the Office Action dated May 19, 2005, claims 1, 5, and 12 have been amended, claims 11, 13, and 19 have been canceled and new claims 20-22 have been added. Support for the amendments to the claims and the addition of the new claims may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Obviousness Rejection of Claims 1-4, 6, 7, 10-14, 16 and 19

At paragraphs 1 and 2 of the Office Action, claims 1-4, 6, 7, 10-14, 16 and 19 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Awada (U.S. Patent No. 6,831,970) in view of Burgess (U.S. Patent No. 6,359,970). This rejection is respectfully traversed.

The Applicant respectfully submits that the proposed combination of Awada and Burgess fails to disclose or suggest the particular combination of elements recited by claims 1-4, 6, 7, 10-14, 16 and 19. To illustrate, claims 1 and 12 have been amended to recite a mobile telephone comprising a control to override a ringer control schedule. This element was previously presented by claims 11 and 13 (now canceled). The Office Action asserts that the passages of Awada at col. 4, lines 2-27 and col. 7, line 59 to col. 8, line 8 disclose this claim element. For ease of reference, the cited passages of Awada are reproduced in their entirety below:

The calendar application also permits the user to associate calendar information with a telephone profile (box 520). This means that the user can choose which profile should be used during a certain event. For example, a meeting scheduled in the calendar application may be associated with a telephone profile that is suitable for a meeting, such as having the telephone vibrate instead of ring for an incoming call or go directly to voice mail. Thus, when the user schedules an event into the calendar application a profile association is created to send the mobile telephone the appropriate telephone settings. In addition, in order for the mobile telephone to be activated by the calendar application, the user must first enable automatic profile activation (box 530) on the mobile telephone. Typically, the mobile telephone contains a menu option that permits enabling of the automatic profile activation by the remote profile activator 110 (such as a calendar application).

Awada, col. 7, line 59 to col. 8, line 9.

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The method and system of the present invention remotely and automatically activates a telephone profile. In a preferred embodiment, the profile of the telephone is activated by a calendar application. In this preferred embodiment, the user can schedule an upcoming calendar period (such as the upcoming week) and, based on predetermined settings, have the calendar application automatically activates a telephone profile corresponding to the event so that the telephone behaves as desired by the user during the event. For instance, a user can schedule a meeting in the calendar application and the application activates a meeting profile such that the telephone does not ring but instead vibrates when there is an incoming call. Alternatively, the user can define a meeting profile such that the ringer is turned off and all incoming calls are sent to voice mail. The calendar application transmits this telephone profile activation information to the telephone. Upon occurrence of the scheduled meeting, the telephone activates the associated profile and the telephone behaves in a predetermined manner during the meeting. Thus, the calendar application automatically directs which telephone profile is active at various times during a calendar period based on the schedule previously generated by the user in the calendar application. Moreover, the present invention can be used to activate and manage profiles for a plurality of telephones (such as a user's mobile telephone and office telephone).

Awada, col. 4, lines 2-27.

In view of these relied-upon passages, the Office Action asserts that a control to override a ringer control schedule is disclosed as *Awada* allegedly discloses “[i]n order to allow the user to set ‘the telephone to vibrate instead of ring.’” *Office Action*, p. 5 (emphasis in original). The cited passages of *Awada* do not disclose or suggest overriding a ringer control schedule in any manner, nor do they disclose or suggest a mobile telephone having a control to override a ringer control schedule. Accordingly, contrary to the assertions of the Office Action, *Awada* does not disclose or suggest a control to override a ringer control schedule. The Office Action does not assert that *Burgess* discloses or suggests a control to override a ringer control schedule. Accordingly, the Office Action fails to establish that the proposed combination of *Awada* and *Burgess* discloses or suggests each and every element of claims 1 and 12.

As another example, claim 16 recites a mobile telephone comprising a ringer schedule interface that uses a user input device to create part of a ringer control schedule and uses an interface with an external device to receive another part of the ringer control schedule created using and downloaded thereto by the external device. The Office Action asserts that the cited passages of *Awada* at col. 4, lines 2-27 and col. 7, line 59 to col. 8, line 8 (reproduced above) disclose these claim elements. However, *Awada* fails to describe in any manner a ringer control schedule that is created in part by input from a user interface of mobile telephone and created in

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part by, and downloaded from, an external device. Accordingly, Awada does not disclose or suggest a ringer schedule interface that uses a user input device to create part of a ringer control schedule and uses an interface with an external device to receive another part of the ringer control schedule as recited by claim 16. Accordingly, the Office Action fails to establish that the proposed combination of Awada and Burgess discloses or suggests each and every element recited by claim 16.

The Applicant submits that the Office Action also fails to establish that the proposed combination of Awada and Burgess discloses or suggests the specific combinations of elements recited by claims 2-4, 6, 7, 10, 14 and 19 at least by virtue of their dependency from one of claims 1, 12 or 16. Moreover, these dependent claims recite specific combinations of elements neither disclosed nor suggested by the cited references.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 1-4, 6, 7, 10-14, 16 and 19 is improper and the withdrawal of this rejection is respectfully requested.

Obviousness Rejection of Claims 5 and 15

At paragraph 3 of the Office Action, claims 5 and 15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Awada in view of Miura (U.S. Patent No. 6,763,105). This rejection is respectfully traversed.

Claim 5 depends from claim 1 and claim 15 depends from claim 12. As discussed, Awada fails to disclose or suggest a mobile telephone having a control to override a ringer control schedule as recited by claims 1 and 12. The Office Action does not assert that Miura discloses or suggests these claimed elements. Accordingly, the Office Action fails to establish that the proposed combination of Awada and Miura discloses or suggests the specific combination of elements recited by claims 5 and 15 at least by virtue of their dependency from claims 1 and 12, respectively. Moreover, these claims recite additional elements neither disclosed nor suggested by the cited references.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 5 and 15 is improper at this time and the withdrawal of this rejection therefore is respectfully requested.

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Obviousness Rejection of Claims 8, 9, 17 and 18

At paragraph 4 of the Office Action, claims 8, 9, 17 and 18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Awada in view of Dutta (U.S. Patent No. 6,760,581). This rejection is respectfully traversed.

Claims 8 and 9 depend from claim 1. Claims 17 and 18 depend from claim 16. As discussed with respect to claim 1, Awada fails to disclose or suggest a mobile telephone having a control to override a ringer control schedule. As discussed with respect to claim 16, Awada fails to disclose or suggest a mobile telephone comprising a ringer schedule interface that uses a user input device to create part of a ringer control schedule and uses an interface with an external device to receive another part of the ringer control schedule created using and downloaded thereto by the external device. The Office Action does not assert that Dutta discloses or suggests these claimed elements. Accordingly, the Office Action fails to establish that the proposed combination of Awada and Dutta discloses or suggests the specific combination of elements recited by claims 8, 9, 17 and 18 at least by virtue of their dependency from claims 1 and 16, respectively.

Moreover, claims 8, 9, 17 and 18 recite specific combinations of elements neither disclosed nor suggested by the cited references. To illustrate, claim 7, from which claim 8 depends, recites the features of an interface to an external device, wherein a ringer schedule interface uses the interface to receive at least part of a ringer control schedule created using and downloaded by the external device. Claim 8 recites that the interface comprises a short-range wireless interface. The Office Action acknowledges that Awada fails to disclose or suggest a short-range wireless interface and alleges that that the passage of Dutta at col. 5, lines 50-67 discloses these claim elements. For ease of reference, the cited passage of Dutta is reproduced in its entirety below:

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A determination is made as to whether the mobile telephone user wants to be notified when the automatic hold function is triggered by a Bluetooth server command (decision 660). If the user wishes to be notified (see FIG. 5 for details regarding the user's preference), decision 660 branches to "yes" branch 665 whereupon a signal, such as a vibration or a ring, emanates from the mobile phone informing the user that an automatic hold request has been received from a Bluetooth server (step 670).

After the Bluetooth hold command has been received and processed, selected incoming calls are automatically held (step 680). Automatic holding of a call checks to determine whether the incoming caller is on the user's pre-selected list (see FIG. 5, step 520). If the caller is on the pre-selected list, a signal, such as a vibration or a ring, emanates from the mobile phone informing the user that a caller has been placed on hold.

Dutta, col. 5, lines 50-67.

In view of this relied-upon passage of *Dutta*, the Office Action concludes that "it would have been obvious to one of ordinary skill in the art . . . to provide the teaching of *Dutta* into the system of *Awada* in order to provide a hold operation from a mobile telephone (see *Dutta*, Abstract)." *Office Action*, p. 9. However, the relied-upon passage of *Dutta* does not disclose or suggest the use of a short-range wireless interface to receive at least part of a ringer control schedule created and downloaded by an external device as recited by the combination of claims 7 and 8. Rather, the disclosure of *Dutta* is directed to "providing a hold operation from a mobile telephone" and the relied-upon passage of *Dutta* merely discloses the use of a "Bluetooth server command" and a "Bluetooth hold command" to implement a hold operation. *Dutta* does not disclose that these "Bluetooth commands" are used to transfer at least part of a ringer control schedule, so *Dutta* necessarily fails to disclose or suggest a ringer schedule interface that uses a short-range wireless interface to receive at least part of a ringer control schedule created using and downloaded by an external device as provided by the combination of claims 7 and 8. The proposed combination of *Awada* and *Dutta* fails to disclose or suggest the features of claims 9, 17 and 18 for similar reasons.

In view of the forgoing, it is respectfully submitted that the obviousness rejection of claims 8, 9, 17 and 18 is improper and the withdrawal of this rejection therefore is respectfully requested.

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Addition of New Claims

New claims 20-22 have been added. Support for the addition of new claims 20-22 may be found in the specification and figures as originally filed. Entry therefore is respectfully requested.

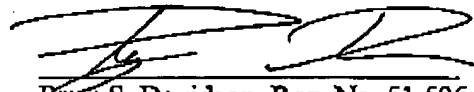
Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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